

Title 20

DEVELOPMENT CODE

Division II. Shoreline Master Plan

- 20.210 SMP Definitions**
- 20.230 SMP Shoreline Policies and Regulations**

NOTE: The only changes to 20.210 SMP Definitions are deletions. This clean copy does not include any other definitions. Please see existing code for remaining definitions. See moved and revised definitions in Chapter 20.20 in the draft Miscellaneous Title 20 Changes document.

20.210.010 Definitions.

The Master Program shall be implemented according to the definitions contained in Chapter 20.20 SMC, Chapter 90.58 RCW, and WAC 173-26-020. Where definitions contained in Chapter 20.20 SMC conflict or differ from definitions contained in the Shoreline Management Act, the definitions in the RCW and WAC shall prevail.

(Ord. 668 § 4 (Exh. 3), 2013).

Chapter 20.230

SMP Shoreline Policies and Regulations

Sections:

Subchapter 1. General Policies and Regulations

20.230.020 Environmental.

C. Water.

Policies

1. Shoreline development and activities shall result in no net loss of ecological functions.
2. Development and regulated activities shall minimize impacts to hydrogeologic processes, surface water drainage, and ground water recharge.
3. Measures shall be incorporated into the development, use, or activity to protect water bodies and wetlands from all sources of pollution including, but not limited to, sediment and silt, petrochemicals, and wastes and dredge spoils.
4. Adequate provisions to prevent water runoff from contaminating surface and ground water shall be included in development design. The Director may specify the method of surface water control and maintenance programs.
5. All measures for the treatment of surface water runoff for the purpose of maintaining and/or enhancing water quality shall be conducted on site. Off-site treatment facilities may be considered if on-site treatment is not feasible.
6. Point and nonpoint source pollution should be managed on a basin-wide basis to protect water quality and support the efforts of shoreline property owners to maintain shoreline ecological functions.

Regulations

1. Pesticides, herbicides and fertilizers that have been identified by State or Federal agencies as harmful to humans, wildlife, or fish shall not be used on City-owned property within the shoreline jurisdiction or for development or uses approved under a substantial development permit, shoreline conditional use permit or shoreline variance, except as allowed by the Director for the following circumstances:
 - a. When use of pesticides, herbicides and fertilizers is consistent with the best management practices (BMPs) for the project or use proposed;
 - b. When the Director determines that an emergency situation exists where there is a serious threat to public safety, health or the environment and that an otherwise prohibited application must be used as a last resort.

Where chemical fertilizer, herbicide, or pesticide use is necessary to protect existing natural vegetation or establish new vegetation as part of an erosion control or mitigation plan, the use of time release fertilizer and herbicides shall be preferred over liquid or concentrate application, except as used in targeted hand applications.

2. The release of oil, chemical, or hazardous materials onto or into the water is prohibited. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected. During construction, vehicle refueling and vehicle maintenance shall occur outside of regulated shoreline areas.
3. The bulk storage of oil, fuel, chemical, or hazardous materials, on either a temporary or a permanent basis, is prohibited, except for uses allowed by the zoning classification. For the purpose of this section, heating oil, small boat

fuel, yard maintenance, equipment fuel, propane, sewage sumps, and similar items common to single-family residential uses are not included in this definition.

4. Surface water control must comply with the adopted stormwater manual and be consistent with the Western Washington Phase II Municipal Stormwater Permit.

20.230.030 Environmentally sensitive areas within the shoreline.

A. Critical Areas.

General Policy

1. Preserve and protect unique, rare, and fragile natural and manmade features and wildlife habitats.
2. Enhance the diversity of aquatic life, wildlife, and habitat within the shoreline.
3. Conserve and maintain designated open spaces for ecological, educational, and recreational purposes.
4. Recognize that the interest and concern of the public are essential to the improvement of the environment, and sponsor and support public information programs.
5. The level of public access should be appropriate to the degree of uniqueness or fragility of the geological and biological characteristics of the shoreline (e.g., wetlands, spawning areas).
6. Discourage intensive development of shoreline areas that are identified as hazardous or environmentally sensitive.

General Regulations

1. Critical areas in shoreline jurisdiction are regulated by the critical areas regulations (which were updated and adopted on November 2, 2015 by Ordinance No. 723 and including the floodplain management regulations adopted on August 6, 2012 by Ordinance No. 641) codified under Chapter 20.80 SMC, Critical Areas, which is herein incorporated into this SMP with the exceptions of the following:
 - a. SMC 20.80.010(C).
 - b. SMC 20.80.030.
 - c. SMC 20.80.040.
 - d. Provisions of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, that are not consistent with the Shoreline Management Act, Chapter 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in the shoreline jurisdictions.
 - e. Provisions of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, that include application of critical areas reasonable use and critical areas special use permit provisions of SMC 20.30.333 and 20.30.336 shall not apply within the shoreline jurisdiction. Within shoreline jurisdiction, the purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Specifically, the reasonable use and special use references in the following sections shall not apply:
 - i. 20.80.224(C)
 - ii. 20.80.274(A).
 - iii. 20.80.276(D).

- iv. 20.80.300(C).
 - v. 20.80.324(C).
 - vi. 20.80.330(A)(7).
- 2. The provisions of Chapter 20.80 SMC, Critical Areas, must be factored into decisions regarding development within the regulated shoreline and associated critical areas.
 - 3. All shoreline uses and activities shall be located, designed, constructed, and managed to protect or at least not adversely affect those natural features which are valuable, fragile, or unique in the region. They should also facilitate the appropriate intensity of human use of such features, including but not limited to:
 - a. Wetlands, including but not limited to marshes, bogs, and swamps;
 - b. Fish and wildlife habitats, including streams, nesting areas and migratory routes, spawning areas, and the presence of proposed or listed species;
 - c. Natural or manmade vistas or features;
 - d. Flood hazard areas; and/or
 - e. Geologic hazard areas, including erosion, landslide, and seismic hazard areas.
 - 4. The standards of the City of Shoreline's critical area regulations shall apply within the shoreline jurisdiction, where critical areas are present. If there are any conflicts or unclear distinctions between the Master Program and the City's critical areas regulations, the most restrictive requirements apply as determined by the City.
 - 5. Development within the regulated shoreline and associated critical areas must be consistent with the Western Washington Phase II Municipal Stormwater Permit and the adopted stormwater manual.

B. Floodplain Management. The following policies and regulations must be factored into decisions regarding all flood management planning and development within that portion of the 100-year floodplain that falls within Shoreline's shoreline jurisdiction (within 200 feet of OHWM).

Floodplain management involves actions taken with the primary purpose of preventing or mitigating damage due to flooding. Floodplain management can involve planning and zoning to control development, either to reduce risks to human life and property, or to prevent development from contributing to the severity of flooding. Floodplain management can also address the design of developments to reduce flood damage and the construction of flood controls, such as dikes, dams, engineered floodways, and bioengineering.

Policy

- 1. Flood management planning should be undertaken in a coordinated manner among affected property owners and public agencies and should consider the entire coastal system. This planning should consider off-site impacts such as erosion, accretion, and/or flood damage that might occur if shore protection structures are constructed.
- 2. Nonstructural control solutions are preferred over structural flood control devices, and should be used wherever possible when control devices are needed. Nonstructural controls include such actions as prohibiting or limiting development in areas that are historically flooded or limiting increases in peak flow runoff from new upland development. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that nonstructural solutions would not be able to reduce the damage.
- 3. Substantial stream channel modification, realignment, and straightening should be discouraged as a means of flood protection.

4. Where possible, public access should be integrated into the design of publicly financed flood management facilities.
5. The City supports the protection and preservation of the aquatic environment and the habitats it provides, and advocates balancing these interests with the City's intention to ensure protection of life and property from damage caused by flooding.
6. Development should avoid potential channel migration impacts.

C. **Wetlands.** Presently, the wetlands within the City's shoreline jurisdiction have not been delineated and rated using current State standards. As the wetland category combined with the habitat functions rating defines the required buffers using current State standards, the requirements of this section apply to any new development application in the vicinity of an associated wetland. At that time, the wetland and its buffers would need to be categorized and delineated and the activities would be regulated using the following standards.

1. **Policy.**

- a. Wetland ecosystems serve many important ecological and environmental functions, which are beneficial to the public welfare. Such functions include, but are not limited to, providing food, breeding, nesting and/or rearing habitat for fish and wildlife; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; storing storm and floodwaters to reduce flooding and erosion; and improving water quality through biofiltration, adsorption, and retention and transformation of sediments, nutrients, and toxicants; as well as education and scientific research.
- b. Wetland areas should be identified according to established identification and delineation procedures and provided appropriate protection consistent with the policies and regulations of this Master Program.
- c. The greatest protection should be provided to wetlands of exceptional resource value, which are defined as those wetlands that include rare, sensitive, or irreplaceable systems such as:
 - i. Documented or potential habitat for an endangered, threatened, or sensitive species;
 - ii. High quality native wetland systems as determined by the Washington State Natural Heritage Program;
 - iii. Significant habitat for fish or aquatic species as determined by the appropriate State resource agency;
 - iv. Diverse wetlands exhibiting a high mixture of wetland classes and subclasses as defined in the U.S. Fish and Wildlife Service classification system;
 - v. Mature forested swamp communities; and/or
 - vi. Sphagnum bogs or fens.
- d. A wetland buffer of adequate width should be maintained between a wetland and the adjacent development to protect the functions and integrity of the wetland.
- e. The width of the established buffer zone should be based upon the functions and sensitivity of the wetland, the characteristics of the existing buffer, and the potential impacts associated with the adjacent land use.
- f. All activities that could potentially affect wetland ecosystems should be controlled both within the wetland and the buffer zone to prevent adverse impacts to the wetland functions.
- g. No wetland alteration should be authorized unless it can be shown that the impact is both unavoidable and necessary, and that resultant impacts are offset through the deliberate restoration, creation, or enhancement of wetlands.

- h. Wetland restoration, creation, and enhancement projects should result in no net loss of wetland acreage and functions. Where feasible, wetland quality should be improved.
- i. Wetlands that are impacted by activities of a temporary nature should be restored immediately upon project completion.
- j. In-kind replacement of functional wetland values is preferred. Where in-kind replacement is not feasible or practical due to the characteristics of the existing wetland, substitute ecological resources of equal or greater value should be provided.
- k. On-site replacement of wetlands is preferred. Where on-site replacement of a wetland is not feasible or practical due to characteristics of the existing location, replacement should occur within the same watershed and in as close proximity to the original wetland as possible.
- l. Where possible, wetland restoration, creation, and enhancement projects should be completed prior to wetland alteration. In all other cases, replacement should be completed prior to use or occupancy of the activity or development.
- m. Applicants should develop comprehensive mitigation plans to ensure long-term success of the wetland restoration, creation, or enhancement project. Such plans should provide for sufficient monitoring and contingencies to ensure wetland persistence.
- n. Applicants should demonstrate sufficient scientific expertise, supervisory capability, and financial resources to complete and monitor the mitigation project.
- o. Proposals for restoration, creation, or enhancement should be coordinated with appropriate resource agencies to ensure adequate design and consistency with other regulatory requirements.
- p. Activities should be prevented in wetland buffer zones except where such activities have no adverse impacts on wetland ecosystem functions.
- q. Wetland buffer zones should be retained in their natural condition unless revegetation is necessary to improve or restore the buffer.
- r. Land use should be regulated to avoid adverse effects on wetlands and maintain the functions and values of wetlands throughout Shoreline, and review procedures should be established for development proposals in and adjacent to wetlands.